

108TH CONGRESS
1ST SESSION

H. R. 399

To amend the Public Health Service Act to promote organ donation.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. UPTON, Mr. WAXMAN, Mr. BURR, Mr. DEUTSCH, Mr. WYNN, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to promote organ donation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Organ Donation Im-
5 provement Act of 2003”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 (a) PUBLIC AWARENESS OF NEED FOR ORGAN DO-
8 NATION.—It is the sense of the Congress that the Federal
9 Government should carry out programs to educate the

1 public with respect to organ donation, including the need
 2 to provide for an adequate rate of such donations.

3 (b) FAMILY DISCUSSIONS OF ORGAN DONATIONS.—

4 The Congress recognizes the importance of families pledg-
 5 ing to each other to share their lives as organ and tissue
 6 donors and acknowledges the importance of discussing
 7 organ and tissue donation as a family.

8 (c) LIVING DONATIONS OF ORGANS.—The Con-
 9 gress—

10 (1) recognizes the generous contribution made
 11 by each living individual who has donated an organ
 12 to save a life; and

13 (2) acknowledges the advances in medical tech-
 14 nology that have enabled organ transplantation with
 15 organs donated by living individuals to become a via-
 16 ble treatment option for an increasing number of pa-
 17 tients.

18 **SEC. 3. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES**
 19 **INCURRED TOWARD LIVING ORGAN DONA-**
 20 **TION.**

21 Section 377 of the Public Health Service Act (42
 22 U.S.C. 274f) is amended to read as follows:

23 “PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES
 24 INCURRED TOWARD LIVING ORGAN DONATION

25 “SEC. 377. (a) IN GENERAL.—The Secretary may
 26 make awards of grants or contracts to States, transplant

1 centers, qualified organ procurement organizations under
2 section 371, or other public or private entities for the pur-
3 pose of—

4 “(1) providing for the payment of travel and
5 subsistence expenses incurred by individuals toward
6 making living donations of their organs (in this sec-
7 tion referred as ‘donating individuals’); and

8 “(2) in addition, providing for the payment of
9 such incidental nonmedical expenses that are so in-
10 curred as the Secretary determines by regulation to
11 be appropriate.

12 “(b) ELIGIBILITY.—

13 “(1) IN GENERAL.—Payments under subsection
14 (a) may be made for the qualifying expenses of a do-
15 nating individual only if—

16 “(A) the State in which the donating indi-
17 vidual resides is a different State than the
18 State in which the intended recipient of the
19 organ resides; and

20 “(B) the annual income of the intended re-
21 cipient of the organ does not exceed \$35,000
22 (as adjusted for fiscal year 2004 and subse-
23 quent fiscal years to offset the effects of infla-
24 tion occurring after the beginning of fiscal year
25 2003).

1 “(2) CERTAIN CIRCUMSTANCES.—Subject to
2 paragraph (1), the Secretary may in carrying out
3 subsection (a) provide as follows:

4 “(A) The Secretary may consider the term
5 ‘donating individuals’ as including individuals
6 who in good faith incur qualifying expenses to-
7 ward the intended donation of an organ but
8 with respect to whom, for such reasons as the
9 Secretary determines to be appropriate, no do-
10 nation of the organ occurs.

11 “(B) The Secretary may consider the term
12 ‘qualifying expenses’ as including the expenses
13 of having one or more family members of do-
14 nating individuals accompany the donating indi-
15 viduals for purposes of subsection (a) (subject
16 to making payment for only such types of ex-
17 penses as are paid for donating individuals).

18 “(c) LIMITATION ON AMOUNT OF PAYMENT.—

19 “(1) IN GENERAL.—With respect to the geo-
20 graphic area to which a donating individual travels
21 for purposes of subsection (a), if such area is other
22 than the covered vicinity for the intended recipient
23 of the organ, the amount of qualifying expenses for
24 which payments under such subsection are made
25 may not exceed the amount of such expenses for

1 which payment would have been made if such area
2 had been the covered vicinity for the intended recipi-
3 ent, taking into account the costs of travel and re-
4 gional differences in the costs of living.

5 “(2) COVERED VICINITY.—For purposes of this
6 section, the term ‘covered vicinity’, with respect to
7 an intended recipient of an organ from a donating
8 individual, means the vicinity of the nearest trans-
9 plant center to the residence of the intended recipi-
10 ent that regularly performs transplants of that type
11 of organ.

12 “(d) RELATIONSHIP TO PAYMENTS UNDER OTHER
13 PROGRAMS.—An award may be made under subsection (a)
14 only if the applicant involved agrees that the award will
15 not be expended to pay the qualifying expenses of a donat-
16 ing individual to the extent that payment has been made,
17 or can reasonably be expected to be made, with respect
18 to such expenses—

19 “(1) under any State compensation program,
20 under an insurance policy, or under any Federal or
21 State health benefits program; or

22 “(2) by an entity that provides health services
23 on a prepaid basis.

24 “(e) DEFINITIONS.—For purposes of this section:

1 “(1) The term ‘covered vicinity’ has the mean-
2 ing given such term in subsection (c)(2).

3 “(2) The term ‘donating individuals’ has the
4 meaning indicated for such term in subsection
5 (a)(1), subject to subsection (b)(2)(A).

6 “(3) The term ‘qualifying expenses’ means the
7 expenses authorized for purposes of subsection (a),
8 subject to subsection (b)(2)(B).

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
10 purpose of carrying out this section, there is authorized
11 to be appropriated \$5,000,000 for each of the fiscal years
12 2004 through 2008.”.

13 **SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRA-**
14 **TIONS.**

15 Part H of title III of the Public Health Service Act
16 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
17 tion 377 the following section:

18 “PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

19 “SEC. 377A. (a) PUBLIC AWARENESS.—The Sec-
20 retary shall (directly or through grants or contracts) carry
21 out a program to educate the public with respect to organ
22 donation, including the need to provide for an adequate
23 rate of such donations.

24 “(b) STUDIES AND DEMONSTRATIONS.—The Sec-
25 retary may make grants to public and nonprofit private
26 entities for the purpose of carrying out studies and dem-

1 onstration projects with respect to providing for an ade-
2 quate rate of organ donation.

3 “(c) GRANTS TO STATES.—The Secretary may make
4 grants to States for the purpose of assisting States in car-
5 rying out organ donor awareness, public education and
6 outreach activities and programs designed to increase the
7 number of organ donors within the State, including living
8 donors. To be eligible, each State shall—

9 “(1) submit an application to the Department
10 in the form prescribed;

11 “(2) establish yearly benchmarks for improve-
12 ment in organ donation rates in the State;

13 “(3) develop, enhance, or expand a State donor
14 registry, which shall be available to hospitals, organ
15 procurement organizations, tissue banks, eye banks,
16 and other States upon a search request; and

17 “(4) report to the Secretary on an annual basis
18 a description and assessment of the State’s use of
19 these grant funds, accompanied by an assessment of
20 initiatives for potential replication in other States.

21 Funds may be used by the State or in partnership with
22 other public agencies or private sector institutions for edu-
23 cation and awareness efforts, information dissemination,
24 activities pertaining to the State donor registry, and other

1 innovative donation specific initiatives, including living do-
 2 nation.

3 “(d) ANNUAL REPORT TO CONGRESS.—The Sec-
 4 retary shall annually submit to the Congress a report on
 5 the activities carried out under this section, including pro-
 6 visions describing the extent to which the activities have
 7 affected the rate of organ donation.

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—For the purpose of car-
 10 rying out this section, there are authorized to be ap-
 11 propriated \$15,000,000 for fiscal year 2004, and
 12 such sums as may be necessary for each of the fiscal
 13 years 2005 through 2008. Such authorization of ap-
 14 propriations is in addition to any other authoriza-
 15 tions of appropriations that are available for such
 16 purpose.

17 “(2) STUDIES AND DEMONSTRATIONS.—Of the
 18 amounts appropriated under paragraph (1) for a fis-
 19 cal year, the Secretary may not obligate more than
 20 \$2,000,000 for carrying out subsection (b).”.

21 **SEC. 5. EFFECTIVE DATE.**

22 The amendments made by this Act take effect on the
 23 date of the enactment of this Act.

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